OIPE JC97 JUL 25 2005 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRANSMITTAL COVER SHEET

Application Serial No:	**09/593,914**	**Confirmation No. 8319**
Date Filed:	June 14, 2000	
Application Title:	Probes, Probe Sets, Methods And Kits Pertaining To The Detection, Identification And/Or Enumeration Of Yeast; Particularly in Wine	
Applicant:	Hyldig-Nielsen et al.	
Group Art Unit:	1634	
Examiner:	C. Meyers	
Application Status:	Pending – Prosecution Open	
Action Type:	Non-Final Office Action issued on March 10, 2005	

Certificate of Mailing Pursuant to:
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22nd day of July, 2005.

Brian D. Gildea
Reg. No. 39,995

Commissioner for Patents
Dear Sir or Madam:

Enclosed herewith, please find the following documents and sheets.

1. Petition under 37 C.F.R. § 1.136(a) for a two-month extension of time.
2. Petition under 37 C.F.R. § 1.144 or 1.181.
3. Response to the Office Action dated March 10, 2005.

Respectfully submitted
On behalf of Applicants,

Brian D. Gildea; Reg. No. 39,995

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Brian D. Gildea
Reg. No. 39,995

Commissioner for Patents
Dear Sir or Madam:

A petition for an automatic two-month extension of time has been included with the papers accompanying this document. With the extension, a timely response is now due on or before August 10, 2005. Therefore, please consider the following response to the Office Action mailed on March 10, 2005.

I. ACTION SUMMARY

Claims 1-8, 10-12, 16, 18, 19, 21-26, 29, 32, 34, 46-49, 61,62, and 80-87 stand pending in this application. The Examiner has withdrawn claim 34 from further consideration. Claims 1-8 and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kosse (reference DF) in view of Stender (1998; WO98/15648;

reference BB). Claims 47-49 and 80-85 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kosse (reference DF) in view of Stender (1998; WO98/15648; reference BB) and in further view of Parton (US 5,905,038). Claims 1-8, 10-12, 16, 18-19, 21-26, 29, 32, 33, 46, 61-62, 86 and 87 stand rejected under 35 U.S.C. §103(a) as being unpatentable over De Wachter (GeneBank Accession No. x58052) in view of Kosse (reference DF) in view of Stender (1998; WO98/15648; reference BB). Claims 47-49 and 80-85 stand rejected under 35 U.S.C. §103(a) as being unpatentable over De Wachter in view of Kosse (reference DF) and Stender (1998; WO98/15548; reference BB) in view of Parton (US 5,905,038). No claim stands allowed.

II. FORMALITIES

Applicants acknowledge the Examiner's withdrawal of claim 34 from consideration. Claim 34 has not been canceled or amended as Applicants have filed a petition under 37 C.F.R. § 1.144 or 1.181 for reconsideration of the Restriction Requirement issued on October 26, 2004.